

To City Council,

Citizens for Appropriate Coastal Land Use (CACLU) members were present when the city council approved the scope of work for the Hare Creek EIR.

As the public nor the city council has access online to some of the studies or has seen them in the MND, or is told what study is used for the EIR it seems premature to us to vote on a contract with any consultants agreeing on approving a contract. The LLA was deemed incorrect for the first study. The public, nor the planning commission or the city council has seen the complete CDP, DR, USP, or LLA for the new design that is 20 ft. longer to the south and is increased by 0.76 acres, or approved it. CACLU asked for an EIR from a consultant and not an EIR based on old "in house information" that is not specifically addressing the needs of the development and the immediate neighborhood affected by this development. Michael Baker International and DUDEK were not told that this site was supposed to be developed since 1991. All they know is that in 2011 an attempt was made to develop it by the applicant. The city council decided to hire EIR consultants and not Marie Jones. \$66,105 is not enough money for a quality EIR. Dudek proposed to do a new Cultural Resources Evaluations Report, they would do a water & sewage study, an updated traffic study, addressed visual & aesthetic aspects, requested a 3-D model of the development, looked at a 10 year growth scenario, requested a hazardous material management plan, an extensive air quality study, and a noise study. This explains that they want to charge \$224,125.

The scope of work for the Hare Creek EIR listed the need for a water balance evaluation study and a water supply study. The scope of work indicated that water rights, storage, treatment and distribution, water quality and storm water runoff/management would likely require mitigation. CACLU pointed out in our appeal that the KASL study was not adequate especially considering the continued existence of a water emergency. Our appeal, as well as the letters we submitted by Dick La Ven (from 2003), and Dave Goble (from 2003), and the letters from the Fish & Wildlife Department make it clear that accepting KASL's study was and is not adequate. Since then we had a stage 3 water emergency overnight and still have a stage 1 water emergency and residents still have very shallow wells.

To maintain and improve the city's infrastructure the city council in their goals and priorities lists the importance of increasing the water storage capacity and water supply. The city still needs to deal with stream diversions, look at how to conserve water and develop a long term comprehensive plan to address water use and shortage concerns. The scope of work does not list the endangered and

7/25/16
LoC

threatened salmon that live in the Noyo and Hare Creek River. Since then the city added more projects that need water like the new brewery, Taco Bell and future uses at the Mill property. The city now declares that the water model study by KASL from 2014 was found to be adequate, but the bid proposal for the EIR listed the need for a new/revised water study. In the staff report from 1-28-15 the city lists hiring KASL for a water pressure analysis and the city completed a water supply analysis (pre-drought). The city believed the water budget prepared by the architect for the first project without carefully evaluating that study in view of the continued water emergency and continued drought. Also, the city declares that Lawrence & Associates did a water study last year, but that this is not ready yet to see as the city needs to correct some mistakes the company made.

In the city's goals and priorities list it is further mentioned that it is crucial to construct necessary repairs and upgrades to the city's waste water treatment facilities. For the EIR the city wants to use their 2007 waste water study. They believe that it is adequate. CACLU is requesting that the consultants chosen do their own waste water study according to the bid proposal which lists the tasks of waste water collection, treatment and distribution. The city is only concerned about providing sufficient capacity to the Hare Creek Center.

This is puzzling to us and we request that the consultants study all the verbal and written testimony of all the concerned parties, agencies and all videos of all public meetings on this topic and all others and are paid to do their own studies.

Lee Welty (also the engineer of the project) will do the drainage study. We believe this could be considered as a conflict of interest. He will also recommend that SHN or BACE will do the geotechnical study. According to a trusted source the state's data bases for licensed geologists, engineers, and surveyors shows no record of SHN being licensed for those fields. In at least one case expert consulting geologists/geotechnical engineers found BACE's work to be insufficient. The consultants chosen could look for a reputable company or do their own.

The groundwater recharge study was going to be done by a consultant that the developer knows. We believe this could be a conflict of interest. We are not told who. Another document indicates that it is unknown at this point.

The archaeological study will be done by a local archaeologist who is familiar with the project as he did the previous study. Apparently Greg Patton has a contract with him. Where is a copy of this contract? Please post it on the city's web page.

The scope of work listed also a new Cultural Resources Evaluation Report. Based on communication between Michael Baker International and the city it was determined that the consultants would not focus on this topic. Who is doing that? We are concerned that the cultural aspect somehow will be overlooked. Just because no one can prove that Native Americans used this site for ceremonial purposes in the last 50 years does not make a study irrelevant. According to Native Americans familiar with these bluff sites they are highly sensitive as the city knows when they dealt with the coastal trail.

The scope of work does not list that the consultants should consult with the following agencies: CA Fish & Wildlife, County of Mendocino Planning and Building Department, Tribal Councils (especially the Sherwood Valley Band of Pomo Indians), and the Mendocino Land Trust.

One of the reasons that Michael Baker International is charging less money for their work with the EIR (\$66,105 versus DUDEK \$224,125) is as many studies are no longer his job.

We believe that before the contract with Michael Baker International gets approved the public and the city council have a right to know who will be chosen for the Ground Water Recharge Study, the Geotechnical Study, the Cultural Resources Evaluation Report, and see all the other studies and documentations online.

We also ask you to please list the Hare Creek Ad Hoc Committee and its members to your web page and keep minutes and record these on the web page.

Please also add the new Coastal Development Permit, Use Permit, Design Review and Lot Line Adjustment on your web page.

We are also requesting again that the preparation of the Draft EIR includes a peer review of each study done by a recognized professional expert and that all draft EIR studies and components are posted to the City's web site, as soon as City staff receives them with notice to all known interested parties.

CACLU
7-25-16

add to packet 7/26

Lemos, June

From: John <jkriege@att.net>
Sent: Saturday, July 23, 2016 10:57 AM
To: Lemos, June
Cc: Turner, Dave; Peters, Lindy; Cimolino, Michael; Deitz, Scott; Hammerstrom, Doug; Ruffing, Linda
Subject: July 25, 2016 City Council agenda

Ms. Lemos, please include my comments with the meeting agenda:

Instead of discussing modifications to the design of the proposed Hare Creek Center, the council should be making every effort to stop this project. There aren't unspent grocery dollars in Fort Bragg, which is already served by a national grocery (Safeway), a large (Harvest) and a mid-size (Purity) local grocery, and many small neighborhood markets. Any grocery sales at Grocery Outlet will come at the expense of these existing businesses and the employment they provide. And any other retail space in Hare Center will only contribute to the musical chairs we already see with Fort Bragg businesses. The council should be pushing for "best use" of this gateway parcel, not just any "allowable" use.

Thank you,
John Kriege

Jourdain, Brenda

From: Alice Chouteau <alicat@mcn.org>
Sent: Tuesday, July 26, 2016 3:38 PM
To: Jourdain, Brenda
Subject: Fwd: Opposing the Hare Creek Mall project

Hi Brenda
Please include these comments.
Thanks
Alice

Sent from my iPad

>
> Hi,
> We will not be able to stay for the agenda item, Hare Creek Mall,
> tonight, so am sending the letter From Curt Babcock the City chose to
> ignore last year. It is lengthy, but I hope it can be re-entered into
> the records.
> We oppose this project for several reasons, but the water issue seems
> most important at a time when tonight's agenda includes extending the
> never-ending emergency drought conditions on the residents of Fort
> Bragg. It simply makes no sense that the council can consider a
> project that will need 2,000,000 gallons of water annually, with some
> meager reclamation.
> Babcock states, "The MND of 2015 fails to address current or future
> drought conditions, quantify potential consequences of the drought on
> the water supply, or disclose potential impact of increased water
> diversion on the streams comprising the source of that supply."
> By continuing to take 50% of Noyo River stream flow, and endangering
> State and Federally listed species, the City will be vulnerable to
> environmental lawsuits from the people of California, and from the
> United States, as these species are held in trust for everyone, and
> for future generations. The City has thus far FAILED to develop a new
> source of municipal water, yet intends to approve this project.
> PRETENDING to care about the local environment, with the World's
> Biggest Salmon BBQ, and becoming listed as a BEE Friendly City,
> demonstrates the cynical hypocrisy of the Mayor and councilmen who
> vote to support the Hare Creek Mall project.
>
> Alice and Douglas Chouteau
> Fort Bragg
>
>
> <http://theava.com/archives/48440#7>
>
>
>



State of California - Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Region 1 - Northern
601 Locust Street
Redding, CA 96001
www.wildlife.ca.gov

EDMUND G. BROWN, Jr., Governor
CHARLTON H. BONHAM, Director



January 20, 2015

Ms. Marie Jones
Community Development Director
City of Fort Bragg
416 North Franklin Street
Fort Bragg, CA 95437

**Subject: Notice of Public Hearing and Notice of Intent to Adopt Mitigated
Negative Declaration (SCH #2014122062)
Mendocino County, California**

Dear Ms. Jones:

On December 29, 2014, the California Department of Fish and Wildlife received from the State Clearinghouse a Mitigated Negative Declaration (MND) for the proposed Hare Creek Center Project (Project) in Fort Bragg, Mendocino County. The Department has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants and their habitat. As a responsible agency, the Department administers the California Endangered Species Act and other provisions of the Fish and Game Code (FGC) that conserve the State's fish and wildlife public trust resources. The Department's primary concerns involving the proposed Project include: (a) a substantial increase in water demand which may impact fish and wildlife and (b) ongoing diversion of water without notification pursuant to FGC section 1602.

The Department provides the following feasible and Project-specific recommendations in our role as a trustee and responsible agency pursuant to the California Environmental Quality Act (California Public Resources Code §21000 et seq.).

Project Description

The proposed Project would include construction and operation of a shopping center consisting of three separate buildings totaling 29,500 square feet of building space on Assessor's Parcels 018-450-40 and 018-450-41. The shopping center would contain a grocery store, three retail spaces, and a restaurant. Associated development would include a new access road, parking lot, pedestrian improvements, utility connections, low-impact development elements, and landscaping.

Conserving California's Wildlife Since 1870

Current Conditions and Increase in Water Demand

The December 22, 2014 update of the Governor's Drought Task Force states that California is entering the fourth year of one of the most severe droughts on record after several years of rainfall deficits. The Governor declared a drought State of Emergency on January 17, 2014, which remains in effect. The most recent U.S. Drought Monitor map (January 6, 2015) depicts extreme drought conditions in all of Mendocino County despite recent precipitation. The City of Fort Bragg declared a Stage 1 Water Emergency establishing mandatory conservation measures on September 18, 2014, in addition to earlier press releases urging voluntary water conservation. The December 18, 2014 U.S. Seasonal Drought Outlook from the National Oceanic and Atmospheric Administration (NOAA) Climate Prediction Center shows that drought conditions are expected to persist throughout nearly all of California, including Mendocino County, at least through March 31, 2015.

According to the MND, water for the Project would be provided by City of Fort Bragg municipal sources and would increase demand by nearly 2 million gallons. The Department commends the incorporation of low-impact development elements into the Project design, including drought-tolerant landscape plantings, areas of permeable paving and vegetated swales to facilitate groundwater infiltration, and installation of rainwater catchment tanks for landscape irrigation. However, rainwater catchment is only anticipated to offset an estimated 89,000 gallons of the Project's water usage. The MND estimates total additional municipal water usage of 1,846,916 gallons per year.

The MND states that a water supply analysis completed in 2010 "found that the City could increase water use by 8% over existing water use in a severe drought (such as the 1977 drought) and continue to serve all customers without falling below the 5 million gallon reserve required to maintain adequate pressure in the system for fire flows." The MND further states that projects using 4.6 percent of this estimated capacity have been approved, with an additional 1 percent anticipated for a project currently in the permitting process. This leaves only 2.4 percent of the City of Fort Bragg's estimated water capacity available. The MND notes that "[w]ater availability under severe drought conditions is the primary constraint for City utility service for a project of this size" but does not address current or future drought conditions, quantify potential consequences of drought on the water supply, or disclose potential impacts of increased water diversion on the streams which comprise the source of that supply.

Ongoing water diversion

The municipal water supply for the City of Fort Bragg consists entirely of water diverted from three streams: Noyo River, Newman Gulch (tributary to Noyo River), and Waterfall Gulch (tributary to Hare Creek).

The Noyo River supports three listed salmonid species: coho salmon (*Oncorhynchus kisutch*) is State-listed as "endangered" and federally-listed as "threatened"; steelhead trout (*O. mykiss*) and Chinook salmon (*O. tshawytscha*) are federally-listed as "threatened." Hare Creek supports coho salmon and steelhead trout. Populations of these salmonids have undergone a substantial decline in abundance in recent decades. Coho salmon has undergone at least a 70-percent decline in abundance since the 1960s, and is currently at 6 percent to 15 percent of its abundance during the 1940s. These species have been impacted by loss and degradation of habitat, including lack of adequate in-stream flow, high water temperatures due to lack of streamside vegetation, siltation of spawning gravels, and lack of in-stream shelter and pools.

The City of Fort Bragg's diversions are potentially impacting fish and wildlife resources in the Noyo River and Waterfall and Newman gulches during low-flow periods. The Department is concerned that the City of Fort Bragg is diverting up to 50 percent of the stream flow in the Noyo River without adequate measures to ensure fish are not stranded or otherwise harmed (non-compliance with FGC §§5901 and 1600); diverts over 80 percent of Waterfall Gulch stream flow without bypassing sufficient stream flow to maintain public trust resources downstream (pursuant to FGC §5937); and diverts an unknown percentage of Newman Gulch stream flow. The flow in these streams is critical for protecting fish and wildlife resources, and without appropriate bypass flows, impacts to listed and sensitive species, including take of listed salmonids, may occur.

An August 15, 2014 letter from NOAA's National Marine Fisheries Service protesting the City of Fort Bragg's petition for change of an existing water right emphasized this concern. The letter stated that "[t]he continuation of water diversions from Waterfall Gulch, in the absence of adequate flow bypass conditions, may cause adverse impacts to listed salmonids in Hare Creek by: (a) reducing the amount and quality of rearing habitat downstream; (b) reducing the amount and quality of spawning habitat downstream; and (c) reducing upstream and downstream passage opportunities for adults, juveniles, and smolts. ...In addition, proposed modifications to transport and storage of water have the potential to alter streamflow conditions in the Noyo River watershed via Newman Gulch Reservoir and result in impacts similar to those described above for Hare Creek."

Despite the assertion in the MND that *"the project will be adequately served by existing water entitlements, sources and storage facilities,"* diversion of additional water has the potential to cause or exacerbate impacts to aquatic resources, particularly during low-flow periods. No substantive mitigation is presented to address current diversion or the proposed increase.

Prior Request to Comply with FGC

Lake or Streambed Alteration Agreements (LSAA) are required for projects, new and ongoing, that substantially divert or obstruct the natural flow of any river, stream, or lake. Over the past four years, the Department has repeatedly requested the City of Fort Bragg enter into a LSAA as the following list indicates:

- July 13, 2011 – In a letter, the Department advised the City of Fort Bragg that the Waterfall Gulch diversion was substantial and required notification pursuant to FGC section 1602.
- November 25, 2013 – In a Pre-harvest Inspection Report for THP 1-13-096 MEN, the Department requested that the City of Fort Bragg provide notification for the diversion from Waterfall Gulch.
- March 3, 2014 – In a letter to the City of Fort Bragg, the Department requested notification pursuant to FGC section 1602 and reiterated the potential impacts to public trust resources from ongoing water diversion.
- July 21, 2014 – In a comment letter to the City of Fort Bragg regarding the MND for the proposed Summers Lane Reservoir, the Department outlined potential impacts, requested notification pursuant to FGC section 1602, and provided additional recommendations to reduce or avoid impacts to aquatic resources.
- August 15, 2014 – In a letter to the State Water Resources Control Board and the City of Fort Bragg regarding the Waterfall Gulch diversion, the Department requested compliance with FGC section 1602 and other regulations to prevent the take of State- and federally-listed species.

As of this date, notification has not been received by the Department. In issuing a LSAA, the Department develops avoidance and minimization measures to address affected fish and wildlife resources, including measures that avoid take of listed salmonids.

Conservation can provide an immediate and positive impact on water supply. In 2009, the State adopted the Water Conservation Act through the passage of Senate Bill X7-7, requiring that California achieve a 20 percent reduction in urban per-capita water use by the end of December 2020. Some municipalities, such as the Sonoma

Ms. Marie Jones
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January 20, 2015
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County Water Agency, have implemented voluntary but specific and quantifiable water conservation goals. The City of Fort Bragg should develop a long-term water plan including measurable conservation goals consistent with Senate Bill X7-7.

In light of the City of Fort Bragg's current non-compliance with FGC section 1602, potential noncompliance with FGC sections 5901 and 5937, and potential impacts to listed species, the City of Fort Bragg should not approve additional projects or developments with the potential to increase water demand. In addition, a measurable conservation strategy to reduce water usage is warranted. The City of Fort Bragg currently lacks a comprehensive plan to address water use and water shortage concerns especially during drought periods.

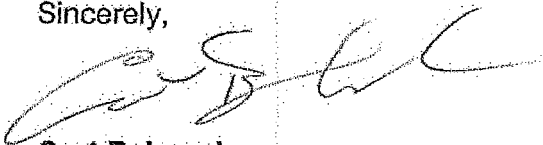
Recommendations

In order to avoid or reduce potential impacts to fish and wildlife resources and their habitats to a less than significant level, the Department recommends the City of Fort Bragg address the following:

1. Pursuant to FGC section 1602, the City of Fort Bragg shall enter into a LSAA for ongoing and future water diversion from all pertinent stream and river sources.
2. The City of Fort Bragg should not approve the Hare Creek Center Project nor additional projects or developments with the potential to increase water demand without adequate bypass flows.
3. The City of Fort Bragg should develop a long-term, comprehensive plan to address water use and water shortage concerns including measurable conservation goals and strategies consistent with Senate Bill X7-7.

If you have questions or comments regarding this matter, please contact Environmental Scientist Angela Liebenberg at (707) 964-4830 or angela.liebenberg@wildlife.ca.gov.

Sincerely,



Curt Babcock
Environmental Program Manager

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Ms. Marie Jones
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January 20, 2015
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cc: Ms. Marie Jones, Community Development Director
Linda Ruffing, City Manager
City of Fort Bragg
mljones@fortbragg.com, lruffing@fortbragg.com

Angela Nguyen-Tan
State Water Resources Control Board, Division of Water Rights
Angela.Nguyen-Tan@waterboards.ca.gov

David Hines
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
David.Hines@NOAA.gov

State Clearinghouse
State.clearinghouse@opr.ca.gov

Curt Babcock, Angela Liebenberg, Richard Macedo, Jane Arnold, Wesley Stokes, Gordon Leppig, Michael van Hatten, and Laurie Harnsberger
California Department of Fish and Wildlife – Habitat Conservation Program
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Tony LaBanca, Environmental Program Manager
California Department of Fish and Wildlife - Coastal Fisheries Program
Tony.LaBanca@wildlife.ca.gov

Fort Bragg City Council,

I haven't had time to read the whole latest Hare Creek Proposal or the proposed choice of the company to create the Environmental Impact ~~Statement~~ (EIR).

Report

However I do have a major objection to the proposal. As I understand it, the proposal is to put a Grocery Outlet and possibly one or two other businesses in a strip mall there. We don't need another grocery outlet in our small community. It will take away business from local groceries like Down Home Foods and the Purity Market. Additionally, we already have Safeway, the Harvest Market and a few small mexican food groceries in Fort Bragg.

Downtown Fort Bragg is already on the verge of being killed. There are numerous vacancies here.

This project will not benefit Fort Bragg residents. It will not create permanent employment wages that families could live on and use to send their children to college. They will be low wage service jobs which really have no future that anyone can count on.

If you haven't noticed, the Fort Bragg population is rapidly aging. There is little opportunity for young people and young families to create a life here. Many youngsters leave town after high school graduation to go to college or find jobs elsewhere.

We need businesses in Fort Bragg that will create permanent wages that could support young families. The extractive timber and fishing industries are dead.

The tourist industry presents many opportunities for our city. Fort Bragg is already famous for its unique natural beauty. Developmental planning for our city should be centered on permanent tourist friendly businesses. Many people come here from all over the world to see our coast and forests. Bicycle tourism is a great opportunity as well as hiking on our beautiful Coastal trails.

If more strip malls are built and more fast food outlets like Taco Bell, McDonalds and Denny's are given preferences in Fort Bragg, it will kill the

city's uniqueness. Fort Bragg will look like any other town and the opportunity to build a healthy permanent tourist economy will be lost.

The developers are already very well off. They own the Boatyard Shopping Center where there are three vacancies and it is my understanding that they also own the strip mall on Franklin Street where the DMV is located. There are four vacancies there.

Please abandon this destructive project and start planning for a permanent healthy economy that will benefit the majority of our citizens not just the few wealthy ones.

Thank you for your consideration of my thoughts

Ed Oberweiser
19244 Benson Lane
Fort Bragg, CA 95437
707-964-7965

SPEAKER CARD

(6C) 000008

- ☒ I would like to speak to the Council on Agenda Item No. 16-302
- ☐ I would like to speak to the Council under "Public Comments on Non-Agenda, Consent Calendar or Closed Session Items"
- ☐ I do not wish to speak but want to submit the following comments to the Council

NAME: CECILE CUTLER

COMMENTS (ONLY IF YOU DO NOT PLAN TO SPEAK):

WE DO NOT NEED
MORE STORES UNTIL
DOWNTOWN STORES
ARE IN USE

(This information is retained as a Public Record, and as such, may be shared with others upon request. Please do not provide any information that you do not wish to be disclosed to others.)

SPEAKER CARD

000007

- ☒ I would like to speak to the Council on Agenda Item No. 6C
- ☐ I would like to speak to the Council under "Public Comments on Non-Agenda, Consent Calendar or Closed Session Items"
- ☐ I do not wish to speak but want to submit the following comments to the Council

NAME: ANN RENNACKER

COMMENTS (ONLY IF YOU DO NOT PLAN TO SPEAK): OPPOSE THE USE OF THE LOCATION AT

HWY 20 + HWY 1 FOR A MALL FEATURING A LARGE PAVED PARKING LOT AND
A LOW-COST GROCERY OUTLET BOX STORE. PERHAPS A LAND SWAP WITH AN
AREA THAT IS ALREADY PAVED, LOGGED, SCRAPED AND INDUSTRIALIZED - MANY
EMPTY LOTS, VACANT STORES AND OTHER SUITABLE SITES COULD
BETTER ACCOMMODATE A MALL, AND THE PROPERTY OWNER COULD BE

(This information is retained as a Public Record, and as such, may be shared with others upon request. Please do not provide any information that you do not wish to be disclosed to others.)

Compe
SATE